IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. Civil Writ Petition No.3919/07
Lal Chand Vs. ADJ & Ors.

25.5.2007

Hon'ble Mr. Justice Mohammad Rafiq

Shri Mukesh Agrawal for petitioner.

Heard learned counsel for the petitioner.

The petitioner has filed this writ petition against the order dated 3.5.07 whereby his application under Order 7 Rule 11 CPC filed on 4.4.2007 has been rejected. By that application, the petitioner wanted to produce on record the statement of one of the defendants, Shri Jai Singh recorded in the partition suit on 17.7.2000 and the copy of the revenue map of the year 1977-78. The

application was filed at the stage when the evidence of both the plaintiff and defendant had been recorded. The learned trial court rejected the application on consideration of the fact that the application has been filed at the stage when the matter was ripe for final arguments. The application of Jai Singh was refused to be taken on record because such statement was recorded on 17.7.2000 and the petitioner was a party to the civil suit in which that statement was recorded. The revenue map of the year 1977-78 was also refused to be taken on record because the application was filed very much delayed. The reasons given by the trial court cannot be said to be perverse because when the petitioner was party to the partition suit, there was no

reason for him not to have filed the statement on the earlier stage of the case. As regards the revenue map of the year 1977-78, when the matter is ripe for final arguments and taking the documents on record at this stage would have further delayed the proceedings, necessitating recall of witnesses already examined for exhibition of the documents and in turn, giving rise to the right in favour of the defendants for producing any other evidence / document in rebuttal.

In the facts of the case, I do not find any merit in this petition.

The writ petition stands dismissed.

(Mohammad Rafiq),J.

Rs/-